

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MATTHEW GUEST,

Plaintiff(s),

No. C 12-1088 PJH

v.

**ORDER OF DISMISSAL**

LIFE INSURANCE COMPANY OF  
NORTH AMERICA,

Defendant(s).

The parties hereto, by their counsel in writing, having advised the court that they have agreed to a settlement of this cause, IT IS HEREBY ORDERED that this cause of action is dismissed **without** prejudice; provided, however that if any party hereto shall certify to this court, within 60 days, with proof of service thereof, that the agreed consideration for said settlement has not been delivered over, the foregoing order shall stand vacated and this cause shall forthwith be restored to the calendar to be set for trial.

The parties may file a stipulation of dismissal with prejudice in lieu of this dismissal without prejudice at any time. However, if no substitute dismissal or certification is filed, after passage of 60 days, the dismissal shall be **with** prejudice.

IT IS SO ORDERED.

Dated: May 30, 2012

  
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PHYLLIS J. HAMILTON  
United States District Judge